



APPLICATION FOR SEARCH WARRANT AND AUTHORIZATION

COUNTY OF Erie

Docket Number

(Issuing Authority):

MD-43-04

Police Incident

Number: CD2004-153

Warrant Control

Number:

Det. Jessica L. Lynn

Erie County Detective Bureau

814-451-6349

09-03-04

AFFIANT NAME

AGENCY

PHONE NUMBER

DATE OF APPLICATION

IDENTIFY ITEMS TO BE SEARCHED FOR AND SEIZED (Be as specific as possible):

Any and all computer hardware, storage and accessories to include, but not limited to: computer tower containing hard drive, monitor, mouse, keyboard, connecting wires, scanner, CD's, DVD's, USB drives, floppy disks, zip disks, digital camera, digital camera media, 8 mm tapes, VHS tapes, web camera, digital camera cell phone, any portable media devices.

Any and all documentation or manuals for software, documents with potential passwords, magazines, books, drawings, pictures/photos/polaroids, any written documentation pertaining to or depicting nude children or children posing sexually.

SPECIFIC DESCRIPTION OF PREMISES AND/OR PERSON TO BE SEARCHED (Street and No., Apt. No., Vehicle, Safe Deposit Box, etc.):

House of Television, 47 North Center Street, Corry, PA 16407

NAME OF OWNER, OCCUPANT OR POSSESSOR OF SAID PREMISES TO BE SEARCHED (If proper name is unknown, give alias and/or description):

Manager: Craig Culhane

VIOLATION OF (Describe conduct or specify statute):

6312 Sexual Abuse of Children (d)

DATE(S) OF VIOLATION:

09-02-01 to present

☐ Warrant Application Approved by District Attorney - DA File No. _____

(If DA approval required per Pa.R.Crim.P. 2002A with assigned File No. per Pa.R.Crim.P. 107)

☐ Additional Pages Attached (Other than Affidavit of Probable Cause)

☒ Probable Cause Affidavit(s) MUST be attached (unless sealed below) Total number of pages: _____

TOTAL NUMBER OF PAGES IS SUM OF ALL APPLICATION, PROBABLE CAUSE AND CONTINUATION PAGES EVEN IF ANY OF THE PAGES ARE SEALED

The below named Affiant, being duly sworn (or affirmed) before the Issuing Authority according to law, deposes and says that there is probable cause to believe that certain property is evidence of or the fruit of a crime or is contraband or is unlawfully possessed or is otherwise subject to seizure, and is located at the particular premises or in the possession of the particular person as described above.

Det. George J. Lynn

Erie County Detective Bureau

04

Signature of Affiant

Agency or Address if private Affiant

Badge Number

Sworn to and subscribed before me this 3 day of September 2004 Mag. Dist. No. 06-2-04

Patricia Hecht

183 E. Main St Corry Pa 16407

(SEAL)

Signature of Issuing Authority

Office Address

SEARCH WARRANT

TO LAW ENFORCEMENT

OFFICER:

WHEREAS, facts have been sworn to or affirmed before me by written affidavit(s) attached hereto from which I have found probable cause, I do authorize you to search the premises or person described, and to seize, secure, inventory and make return according to the Pennsylvania Rules of Criminal Procedure.

☒ This Warrant shall be served as soon as practicable and shall be served only between the hours of 6AM to 10PM but in no event later than:*

☐ This Warrant shall be served as soon as practicable and may be served any time during the day or night but in no event later than: **

10:00 P M, o'clock Sept 5 2004

* The issuing authority should specify a date not later than two (2) days after issuance. Pa.R.Crim.P. 2005(d).

** If the issuing authority finds reasonable cause for issuing a nighttime warrant on the basis of additional reasonable cause set forth in the accompanying affidavit(s) and wishes to issue a nighttime warrant, then this block shall be checked. Pa.R.Crim.P. 2006(g).

Issued under my hand this 3 day of Sept. 2004 at 2:50 PM M, o'clock.

Patricia Hecht

06-2-04

Jan 3, 2006

Signature of Issuing Authority

Mag. Dist. or Judicial Dist. No.

Date Commission Expires:

Title of Issuing Authority: ☒ District Justice ☐ Common Pleas Judge ☐

☐ For good cause stated in the affidavits(s) the Search Warrant Affidavit(s) are sealed for 2 by my certification and signature. (Pa.R.Crim.P. 2011)

Patricia Hecht

9/3/04 (Date)

Signature of Issuing Authority (Judge of the Court of Common Pleas or Appellate Court Justice or Judge).

FILED BY THE ISSUING AUTHORITY

DEFENDANT'S EXHIBIT

CASE NO. 05-26E

EXHIBIT NO. A

Commonwealth of Pennsylvania

AFFIDAVIT OF
PROBABLE CAUSE

COUNTY OF Erie

Docket Number

(Issuing Authority):

MD-43-04

Police Incident

Number: CD2004-153

Warrant Control

Number:

PROBABLE CAUSE BELIEF IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:

Your Affiant is a police officer employed as a County Detective in the Erie County District Attorney's Office. Your affiant is charged with the duties of investigation of violations of the Pennsylvania Crimes Code and has received specialized training in the investigation of computer related criminal activity. Your affiant uses computer systems and conduct computer-related investigations. In the past two years, your affiant has participated in several executions of search warrants for computer stored records and evidence. Your affiant avers that conducting a search of a computer system, documenting the search, and making evidentiary and discovery copies is a lengthy process.

It is necessary to determine that no security devices are in place which could cause the destruction of evidence during the search; in some cases it is impossible even to conduct the search without expert technical assistance. Since computer evidence is extremely vulnerable to tampering or to destruction through error, electrical outages, and other causes, removal of the system from the premises will assist in retrieving the records authorized to be seized, while avoiding accidental destruction or deliberate alteration of the records. It would be extremely difficult to secure the system on the premises during the entire period of the search.

Your affiant also avers that whether records are stored on floppy disks or on a hard drive, even when they purportedly have been erased or deleted, may still be retrievable. Your affiant is familiar with the methods of restoring "lost" data commonly employed by computer users, and has used those methods herself.

Your affiant avers that the accompanying software must also be seized, since it would be impossible without examination to determine that it is standard, commercially available software: it is necessary to have the software used to create data files and records in order to read the files and records.

In addition, without examination, it is impossible to determine that the diskette purporting to contain a standard commercially available software program has not been used to store records instead. Your affiant avers that the system documentation, instruction manuals, and software manuals are also necessary to properly operate that specific system in order to accurately obtain and copy the records authorized to be seized.

I, THE AFFIANT, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Det. Jessica F. [Signature] 9-3-04
Affiant Signature Date

[Signature]
Issuing Authority Signature

9-3-04 (SEAL)
Date

Page of Pages

Commonwealth of Pennsylvania

AFFIDAVIT OF
PROBABLE CAUSE

COUNTY OF Erie

Docket Number

Police Incident

Warrant Control

(Issuing Authority):

Number: CD2004-153

Number:

PROBABLE CAUSE BELIEF IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:

On 08/16/2004, Lt. David C. Peifer of the Pennsylvania Internet Crimes Against Children Task Force in Delaware County Pennsylvania, accessed the National Center for Missing and Exploited Children's Cybertip Line after being notified by them concerning a subject that appears to be from Pennsylvania uploading Child Pornography over the Internet. The Internet Crimes Against Children Task Force is funded by a grant through the Office of Juvenile Justice and Delinquency Prevention and is composed of prosecutors, investigators, computer forensic examiners. The objective of the ICAC Task Force is to investigate ICAC offenses, conduct proactive and reactive ICAC investigations and the apprehension of ICAC offenses. The National Center for Missing and Exploited Children (NCMEC) is a national clearinghouse that gather information about missing and sexually exploited children for law enforcement use. NCMEC forwards all information unedited to law enforcement agencies for investigation and disposition pursuant to its congressional mandate to operate as a clearinghouse.

The Yahoo Legal Department reported that a person utilizing the e-mail address of "glepa2001@yahoo.com" uploaded images of children, who appear to be under the age of 18-years-old, exposing their genitals while in a sexual act or pose. These images were uploaded to a Yahoo site titled "http://photos.yahoo.com/glepa2001". Http://www.yahoo.com is an all purpose internet based community that provides users with free email, surfing access, chat rooms, instant messaging, shopping and it can also be used as a search engine. Yahoo! Inc. groups are internet based chat rooms where there is a host and people can chat, post and send messages and images.

This incident was reported by Yahoo Inc. on 08/09/2004 at 16:00 hours PDT. This case was reported as cybertip # 263483. Yahoo Inc. also reported the IP address 4.18.7.164 was the registration IP address when the suspect created his Yahoo Account. An IP, or Internet Protocol, address is a numerical identifier, a series of four digit groups separated by periods, that can be read directly by computer systems, to locate a particular system address on the Internet. Normally, each time a user logs on to an ISP, a random IP address is assigned to the user by the system for that session. Each time a user logs on, he will usually be assigned a different IP address. A search on http://www.arin.net/whois for the Internet Service Provider of IP address 4.18.7.164 resulted in the Internet Service Provider being The Byte on 436 North Center Street, Corry, PA 16407. ARIN's WHOIS service provides a mechanism for finding contact and registration information for resources registered with ARIN. ARIN's database contains IP addresses, autonomous system (AS) numbers, organizations or customers that are associated with these resources, and related Points of Contact (POCs).

NCMEC forwarded the alleged photos containing suspected child pornography to Lt. Peifer. The photos appear to have been taken from a web camera and then uploaded to http://photos.yahoo.com/glepa2001. Lt. Peifer served a Court Order to Yahoo Inc. for the Yahoo subscriber and Internet connection access log information pertaining to "glepa2001" On 08/24/2004, Lt. Peifer received a response from Yahoo Inc. in reference to the Yahoo e-mail address "glepa2001@yahoo".

I, THE AFFIANT, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Affiant Signature

Date

Issuing Authority Signature

Date

(SEAL)

Page

of

Pages

Commonwealth of Pennsylvania



**AFFIDAVIT OF
PROBABLE CAUSE**

COUNTY OF Erie

Docket Number

(Issuing Authority): MD-43-04

Police Incident

Number: CD2004-153

Warrant Control

Number:

PROBABLE CAUSE BELIEF IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:

There were no Internet connection access logs on file with Yahoo. The account was created on 07/09/2001. The account was accessed 08/13/2003 to change the password. According to Yahoo, the account is currently deactivated. The Yahoo management tool indicated the account is in the name of Mr. George E of 404 S. Center Street, Corry, PA. 16407 with a phone number of 814-663-5655 described as a male with a date of birth of 10/05/1978. This information is supplied by the member/subscriber. Lt. Peifer referred this incident to the Erie County Internet Crimes Against Children Task Force.

On 09/01/2004, this officer contacted Corry Police Department to obtain information on the residence of 404 S. Center St., Corry, PA and to identify "glepa2001". Officer Goode stated that the house at 404 S. Center St. caught on fire in January of 2004 and is currently vacant. Officer Goode did state that a George Eberle did reside at that residence at one time.

This officer conducted a search on JNET, an internet based Law Enforcement only site that allows access to PennDot records, Criminal History and Inmate information, for a George Eberle in Corry, PA. The search resulted in a positive find for a PA State Identification Card issued to a George L. Eberle, date of birth 10/05/1978. This date of birth is an exact match to the date of birth given for the user of screen name "glepa2001".

This officer then contacted the United States Postal Inspector Service to obtain the current residential address for George Eberle. George Eberle was currently receiving certified mail at the address of 330 East Main St., Corry, PA 16407 from the Erie County Office of Children and Youth.

This officer contacted the assigned Office of Children and Youth worker to George Eberle. This OCY worker stated that there was a computer in the living room of the residence of 330 East Main St., Corry, PA 16407. The OCY worker also stated that George Eberle often talked about his use of the computer.

Based on this officers past experience and training, this affiant believes that graphic image files containing child pornography can be maintained for long periods of time in a number of ways: on a computer's built in hard disk drive, on portable storage disks, on CD ROMs or on other computer media. Most often the collector maintains the files purposefully. Even when the pornographic files have been deleted (due fear of discovery), computer forensic experts are nonetheless often able to recover the deleted pornographic images that had been purposefully possessed. Based on her past experience and training, this affiant believes that persons who use personal computers in their homes tend to retain their personal files and data for extended periods of time even if a person has replaced, traded in or "upgraded" to a new personal computer. This affiant believes personal computer users routinely transfer most of their data onto their new computers when making an upgrade. This data transfer is often done by saving files from the old computer to media sources (CDs or floppy disks, Zip drives, USB port device), then opening them onto the new computer and saving them to the new hard drive. Visual images, such as child pornography, are as likely as other data to be transferred to a person's new, replacement or upgraded computer system.

I, THE AFFIANT, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Affiant Signature

Date

Issuing Authority Signature

Date

(SEAL)

Page of Pages

Commonwealth of Pennsylvania

AFFIDAVIT OF
PROBABLE CAUSE

COUNTY OF Erie

Docket Number

(Issuing Authority):

MD-43-04

Police Incident

Number: CD2004-153

Warrant Control

Number:

PROBABLE CAUSE BELIEF IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:

This officer was informed that George Eberle had his computer returned to House of Television Rental at 47 North Center Street, Corry, PA due to failure to pay rental fee. The computer rental was terminated 08/20/04. This officer spoke with Manager Craig Calhane of House of Television Rental and they are in possession of the Hewlit Packard previously rented by George Eberle.

This officer is currently in possession of the alleged child pornography photos. Given the above information, George Eberle had access to the <http://photos.yahoo.com/glepa2001> website in August of 2003 before it was deactivated. The photos are consistant with web cam pictures. This officer was told by the assigned OCY worker that George Eberle did have a web cam attached to his computer. This officer believes that George Eberle was in possession of child pornography when he possessed the Hewlit Packard rented through House of Television. This officer respectfully requests that a warrant be issued for seizure of the computer.

I, THE AFFIANT, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Affiant Signature

Date

Page

of

Pages

Issuing Authority Signature

Date

(SEAL)